

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on October 26, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Richard N. Davenport
Nico De León
Stanley C. Harris (arrived at 9:36 a.m.)

Staff present for all or part of the meeting were:

Karen W. O'Neal, Deputy Director
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. Davenport, Chair, called the meeting to order at 9:32 a.m.

Call to Order

Mr. De León moved to approve the agenda as written. Mr. Davenport seconded the motion which was unanimously approved by members Davenport and De León.

**Approval of
Agenda**

Public Comment Period – No comments were made to the Section members.

Public Comment

Regarding **File Number 2004-03015, A. C. Arnn**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Arnn. After discussion, Mr. De León moved to recommend to the Board to adopt the Consent Order, which cites a violation of 18 VAC 10-20-750 of the Board's 2002 regulations (Count I) and 18 VAC 10-20-740.B of the Board's 2002 regulations (Count II) and imposes a monetary penalty of \$250 for each count, as well as Board costs in the amount of \$300, for a total amount of \$800. Mr. Davenport seconded the motion which was unanimously approved by members Davenport and De León.

**File Number
2004-03015, A.
C. Arnn**

Regarding **File Number 2004-03023**, Jose U. Barnes, the Section members reviewed the Consent Order as seen and agreed to by Mr. Barnes. After discussion, Mr. De León moved to recommend to the Board to adopt the Consent Order, which cites a violation of 18 VAC 10-20-750 of the Board's 2002 regulations (Count I), 18 VAC 10-20-740.B of the Board's 2002 regulations (Count II), and 18 VAC 10-20-790.A.2. of the Board's 2002 regulations (Count III). For these violations, Mr. Barnes agrees to revocation of his Virginia professional engineer's license. Mr. Davenport seconded the motion which was unanimously approved by members Davenport and De León.

File Number
2004-03023, Jose
U. Barnes

Mr. Harris arrived at the meeting at 9:36 a.m. and immediately recused himself from the meeting.

Arrival of Mr.
Harris

Regarding **File Number 2004-03018**, Marks A. Levy, the Section members reviewed the Consent Order as seen and agreed to by Mr. Levy. After discussion, Mr. De León moved to recommend to the Board to adopt the Consent Order, which cites a violation of 18 VAC 10-20-750 of the Board's 2002 regulations (Count I) and 18 VAC 10-20-740.B of the Board's 2002 regulations (Count II) and imposes a monetary penalty of \$250 for each count, as well as Board costs in the amount of \$300, for a total amount of \$800. Mr. Davenport seconded the motion which was unanimously approved by members Davenport and De León. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

File Number
2004-03018,
Marks A. Levy

Regarding **File Number 2004-03024**, John Larkin Wilson, the Section members reviewed the Consent Order as seen and agreed to by Mr. Wilson. After discussion, Mr. De León moved to recommend to the Board to adopt the Consent Order, which cites a violation of 18 VAC 10-20-750 of the Board's 2002 regulations (Count I) and 18 VAC 10-20-740.B of the Board's 2002 regulations (Count II) and imposes a monetary penalty of \$250 for each count, as well as Board costs in the amount of \$300, for a total amount of \$800. Mr. Davenport seconded the motion which was unanimously approved by members Davenport and De León. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

File Number
2004-03024,
John Larkin
Wilson

Mr. Harris returned to the meeting.

Mr. Harris
Returns

The Section members discussed the 2004 National Council of Examiners for Engineering and Surveying (NCEES) Annual meeting that was held in

Discussion of
NCEES Items

August 2004 in Cleveland, Ohio. Mr. Courtney stated that one of the major issues of discussion was the adoption of a sole-source examination administration policy. The policy, which was adopted at the meeting, was subsequently rescinded due to a test administration company threatening legal action against NCEES should it adopt a sole source policy. NCEES indicated that this issue will be discussed further at the next NCEES Board meeting.

In addition to the NCEES Annual meeting, the Section members discussed nominations for the NCEES Northeast Zone Distinguished Service Awards. Mr. Courtney indicated that Mr. Sirine was the recipient of this award last year and asked the Section members if they had anyone they wished to put forward for this year's award. The Section members agreed by consensus to recommend to the Board to support a nomination for Mr. Harris and/or Doyle Allen for this award.

The Section members were provided with information from the Murdough Center for Engineering Professionalism regarding ethics courses that it offers.

Various other correspondence received from NCEES since the last Section meeting was distributed to the Section members for review.

The Section members were provided with a sample evaluation of international educational credentials prepared by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) and NCEES, along with other organizations. Mr. Courtney indicated that, although NCEES currently has an in-house education evaluation service, in the past NCEES had contracted with AACRAO to perform evaluations; therefore, the Section members may come upon these evaluations from time to time when reviewing applications.

Discussion of
Evaluation of
International
Educational
Credentials by
AACRAO

The Section meeting recessed for a break from 9:59 a.m. to 10:03 a.m.

Break

Mr. Courtney asked that the discussion of the 2004 NCEES Annual meeting be revisited. After concurrence by the Section members, Mr. Courtney stated that two other significant items were discussed at the meeting. Those items included the adoption of a new calculator policy, as well as a proposal for the development of a Structural III professional engineering examination. The Section members discussed various other motions made at the Annual meeting.

Continuation of
NCEES Annual
Meeting
Discussion

The Section members discussed Engineering Accreditation Commission (EAC)-accredited engineering management degrees. The Board's regulations would currently allow individuals holding such degrees to meet the educational requirements for licensure as a professional engineer.

Discussion of
Engineering
Management
Degrees

The Section members discussed the status of site availability for the Fundamentals of Engineering examination at Virginia Tech, as discussed at the last Section meeting. Mr. Courtney stated that Board staff wrote to Virginia Tech requesting larger space for the examination. Subsequently, staff at Virginia Tech has contacted Mr. Courtney and indicated that they are very interested in working with the Board in order to secure space that meets the Board's needs for the examination.

Discussion of
Blacksburg Site
Availability for
FE Exam

The Section members were provided with correspondence from the Executive Director of NCEES regarding action taken by the NCEES Board of Directors concerning Fundamentals of Engineering examination booklets reported missing after the April 2004 examination. Mr. Courtney indicated that he has corresponded with NCEES to state that he does not believe that it has been proven that the Department's examination vendor has demonstrated culpable negligent behavior.

Other Business

Mr. Courtney informed the Section members that mandatory training will be conducted by Board counsel at the next APELSCIDLA Board meeting on the Conflict of Interests Act.

The Section members were provided with the annual report from the Accreditation Board of Engineering Technology (ABET) for review.

The Section members discussed general items related to application review and requested that Board staff include verifications of registration/examination from other states with the application packages sent to the Board members for review. Additionally, the Section members asked Board staff to copy the past regulations on a CD for their use in reviewing applications.

Conflict of Interest forms were completed by all members present.

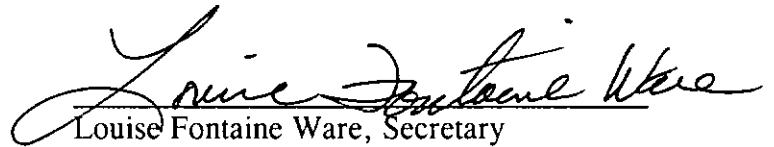
Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 10:54 a.m.

Adjourn

A stylized, handwritten signature in black ink, appearing to read 'R. Davenport', written over a horizontal line.

Richard N. Davenport, Chair

A stylized, handwritten signature in black ink, appearing to read 'Louise Fontaine Ware', written over a horizontal line.

Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nico De León
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on October 26, 2004
5. Nature of Personal Interest Affected by Transaction: None

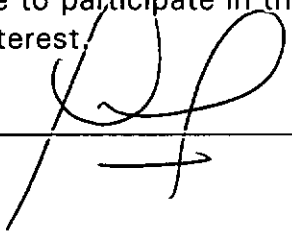
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Engineering

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature



Date

10/26/04

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Stanley C. Harris
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on October 26, 2004
5. Nature of Personal Interest Affected by Transaction: _____

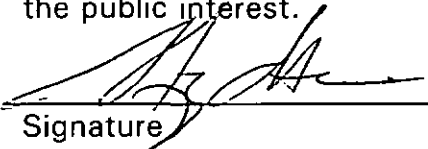
NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ASME - VSPE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

10/26/04
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Richard N. Davenport
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on October 26, 2004
5. Nature of Personal Interest Affected by Transaction: _____

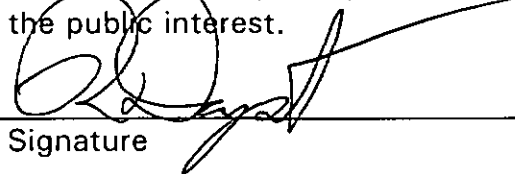
_____ NONE _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

_____ NSPE & VSPE _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

26-OCT-2004
Date